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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,021	01/30/2001	Horst Bayer	01 P 7440 US	5515

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Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

COLON, CATHERINE M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,021

Applicant(s)

BAYER ET AL.

Examiner

C. Michelle Colon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/30/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the communication received on January 30, 2001. Claims 1-20 are now pending in this application.

Information Disclosure Statement

2. The examiner has reviewed the patents supplied in the Information Disclosure Statement (IDS) provided on January 30, 2001.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

As per the first prong of the test, for a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences) and therefore are found to be non-statutory subject matter. For a

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process claim to be satisfactory, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, the steps of method claims 1-17 merely recite a method for aggregating feedback; however, the steps do not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in person or by use of a pencil and paper and without the need of a computer or other technology.

As per the second prong of the test, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention aggregates feedback from travelers (i.e., concrete) based on certain travel information of the traveler (i.e., useful and tangible).

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 1-17 are directed to non-statutory subject matter.

Claim Objections

5. Claims 7 and 10 are objected to because of the following informalities:
They are the same claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 5-7, 10-12, 15, 16, 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuerst (U.S. 6,189,029).

As per claims 1, 12 and 18-20, Fuerst discloses a method, apparatus and machine-readable medium having stored thereon data representing sequences of instructions, said sequences of instructions executed by a processor, for aggregating feedback, comprising:

receiving a first set of travel information including information identifying a traveler, an itinerary of said traveler, and at least one travel service provider scheduled to provide services to said traveler (col. 3, lines 15-35; col. 10, lines 22-40; The system discloses receiving travel information from a traveler via an airline's website.);

automatically generating a feedback request based on said first set of travel information and requesting specific feedback regarding said at least one travel service provider (col. 2, line 63-col. 3, line 40; The system discloses generating surveys in order to get customer service feedback from customers.);

transmitting said feedback request to said traveler (col. 2, line 67-col. 3, line 3; col. 4, lines 20-21; The system discloses transmitting the survey to the customer through various means such as email and links to websites.);

receiving feedback information from said traveler (col. 7, lines 44-53; The system receives feedback from a customer via input to the survey. The survey is collected on a website and the data is stored in a database.); and

analyzing said feedback information received from said traveler (col. 8, lines 1-22; The system allows the survey administrator to analyze the results of the surveys.).

As per claim 5, Fuerst discloses the method of claim 1, wherein said automatically generating further comprises: determining a type of said at least one travel service provider and generating said feedback request based on said type (col. 3, lines 14-35; The system bases subsequent questions on information received from a first set of questions. More specifically, after receiving information from the user on a request for domestic versus international flights, the system then generates a feedback request based on the flight information.).

As per claim 6, Fuerst discloses the method of claim 4, wherein said type is one of at least an airline, a car rental, a hotel, and a travel agency (col. 3, lines 14-35; col. 10, lines 22-40).

As per claims 7 and 15, Fuerst discloses the method of claims 1 and 12, wherein said analyzing further comprises: determining whether said feedback information includes a complaint (col. 9, lines 21-29; The system determines whether the feedback represents a favorable or unfavorable response.).

As per claim 10, Fuerst discloses the method of claim 1, wherein said analyzing further comprises: determining whether said feedback information includes a complaint (col. 9, lines 21-29; The system determines whether the feedback represents a favorable or unfavorable response.).

As per claim 11, Fuerst discloses the method of claim 1, wherein said analyzing further comprises: determining whether at least a portion of said feedback information should be provided to said at least one travel services provider (col. 2, lines 59-67; col. 5, lines 30-35; col. 8, lines 1-9; The system discloses providing results of the surveys to the survey organizers.).

As per claim 16, Fuerst discloses the computer-implemented method of claim 12, wherein said analyzing comprises: determining whether said feedback information received from said traveler includes a request for a response (col. 3, lines 15-35; col. 10, lines 22-40; The system discloses that feedback information is a request to receive more information, such as flight information.).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-4, 8, 9, 13, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuerst (U.S. 6,189,029) as applied to claims 1 and 12 above.

As per claims 2 and 13, Fuerst discloses the method of claims 1 and 12, wherein said first set of travel information is received from a user (col. 3, lines 15-35; col. 10, lines 22-40). Fuerst does not expressly disclose that the user is a travel organizer. However, it is old and well known that individuals use travel agents/organizers to make their travel arrangements. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for a travel organizer to submit travel information since it is a commonly performed and well known practice.

As per claim 3, Fuerst discloses the method of claim 2, wherein said analyzing further comprises: determining whether at least a portion of said feedback information should be provided to said travel organizer (col. 2, lines 63-67; col. 5, lines 30-36; The system determines whether certain survey results are to be provided to certain individuals.).

As per claim 4, Fuerst discloses the method of claim 1, wherein said automatically generating further comprises: receiving a travel completion date (col. 3,

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lines 25-30). However, Fuerst does not expressly disclose comparing a travel completion date from said first set of travel information to a current date and generating said feedback request when said current date is after said travel completion date. Yet, in the art of customer service it is old and well known to not request feedback on a service provided until after the service has been rendered. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to generate a feedback request when the current date is after the travel completion date because doing so ensures that the customer has experienced the service and therefore, can provide comprehensive feedback on the service rendered.

As per claims 8, 9 and 17, Fuerst discloses the method of claims 7 and 16, as discussed above wherein surveys are used to solicit customer service feedback from users, where the feedback includes favorable and unfavorable responses (col. 2, lines 48-67; col. 9, lines 21-29). However, Fuerst does not expressly disclose wherein said analyzing further comprises: determining whether said complaint requires a response from said at least one travel service provider and monitoring said complaint to determine whether a satisfactory response from said at least one travel service provider has been received. However, it is old and well known in the customer service industry to respond to a customer complaint in order to remedy a problem. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to determine whether a complaint requires a response from a service provider and to monitor the complaint to determine whether a satisfactory response from the service provider has been received because doing so conforms to typical customer service

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practice to ensure that a customer's needs/issues are being addressed and are being addressed in a quality and professional manner.

As per claim 14, Fuerst discloses the computer-implemented method of claim 12, as discussed above. Fuerst does not expressly disclose wherein said analyzing comprises: reviewing information from each one of said feedback request forms and said summary feedback request form to determine whether any resolution is required. However, it is old and well known in the customer service industry to resolve customer issues. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to determine whether a resolution is required because doing so conforms to typical customer service practice to ensure that a customer's needs/issues are being addressed.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Guinta et al. (U.S. 6,092,060) discusses a method for assessing an organizational process or system;
- Sloo (U.S. 5,895,450) discusses a method for handling complaints; and
- Deniger (U.S. 5,023,435) discusses a response form processing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michellé Colon whose telephone number is

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703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington D.C. 20231

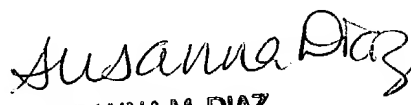
or faxed to:

703-872-9306 [Official Communications; including After Final communications labeled "Box AF"]

703-746-7202 [For status inquiries, draft communication, labeled "Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7th floor receptionist.


cmc
July 26, 2004


SUSANNA M. DIAZ
PRIMARY EXAMINER
A11.3623